

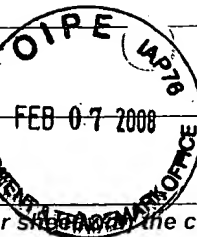
**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/536,736

Examiner

Tina Plunkett



Applicant(s)

BASTIAN ET AL.

Art Unit

1600

-- The MAILING DATE of this communication appears on the cover sheet of the correspondence address --

The amendment document filed on 22 June 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.


**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

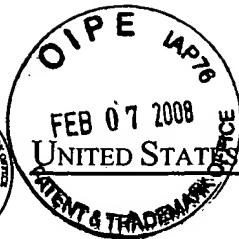
**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 4(e) Other: After final amendment filed 6/22/05 used as a submission for RCE filed 9/15/05 claims 65 and 66 are not listed.

  
Legal Instruments Examiner (LIE)

571-272-0549  
Telephone No.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

QGN-009.1 US

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,736	03/28/2000	Helge Bastian	C12Q1/68	5490

29425 7590 09/30/2005

LEON R. YANKWICH  
YANKWICH & ASSOCIATES  
201 BROADWAY  
CAMBRIDGE, MA 02139

EXAMINER

ART UNIT

PAPER NUMBER

Resp (Non-Compliant  
OCT 03 2005  
Amend't) due  
30-Oct-05

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Case No. QGN-009.1 US  
Applicant(s): BASTIAN et al.

Serial No. 09/536,736

Return of this post card, properly stamped, will signify safe receipt in the US Patent & Trademark Office of the following:

- ☒ Transmittal letter (in duplicate) ☐ with petition for extension of time  
☒ Response to Notice of Non-Compliant Amendment (37 CFR 1.121) (14 pages)  
☐ Request for Continued Examination Transmittal (1 page)  
☐ other: \_\_\_\_\_  
☐ fee enclosed \$ \_\_\_\_\_ (check no. \_\_\_\_\_)

*filed via Express Mail on October 7, 2005*  
Express Mail Label No. **EV 509622451 US**

**EV 509622451 US**

Case No. QGN-009.1 US  
Applicant(s): BASTIAN et al.

Serial No. 09/536,736

Return of this post card, properly stamped, will signify safe receipt in the US Patent & Trademark Office of the following:

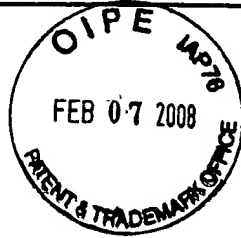
- ☒ Transmittal letter (in duplicate) ☐ with petition for extension of time  
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☐ Request for Continued Examination Transmittal (1 page)  
☐ other: \_\_\_\_\_  
☐ fee enclosed \$ \_\_\_\_\_ (check no. \_\_\_\_\_)

*filed via Express Mail on October 7, 2005*  
Express Mail Label No. **EV 509622451 US**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Bastian et al.
U.S. Serial No.:	09/536,736
Filed:	March 28, 2000
Title:	Method for Isolating and Purifying Nucleic Acids on Surfaces



Art Unit: 1636  
Examiner: R. Akhavan

Art Unit: 1600  
Legal Instruments Examiner:  
T. Plunkett

Attorney Docket No.: QGN-009.1 US

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith: ☒ a Response to Notice of Non-Compliant Amendment (37 CFR 1.121) and ☒ a return-receipt postcard, for filing in the above-captioned patent application.

**FEE FOR ADDITIONAL CLAIMS**

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS	<u>56</u>	<u>118</u>	<u>00</u>	× \$50	= 0.00
INDEPENDENT	<u>2</u>	<u>3</u>	<u>0</u>	× \$200	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$360	= 0.00
<b>TOTAL FEES DUE</b>					<b>= 0.00</b>

**PAYMENT OF ADDITIONAL FEES**

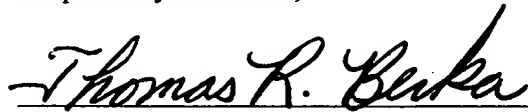
☐ A check in the amount of \$\_\_\_\_\_ in payment of the fees for late filing of the oath/declaration is transmitted herewith. {check no. \_\_\_\_\_}

- [X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

**PETITION FOR EXTENSION OF TIME**

- [ ] Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the Response filed herewith: [ ] \$120.00 for response within first month pursuant to 37 CFR 1.17(a)(1);  
[ ] \$450.00 for response within second month pursuant to 37 CFR 1.17(a)(2);  
[ ] \$1,020.00 for response within third month pursuant to 37 CFR 1.17(a)(3);  
[ ] \$1,590.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4);  
[ ] \$2,160.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- [ ] A check in the amount of [ ] \$120.00 [ ] \$450.00 [ ] \$1020.00 [ ] \$1,590.00 [ ] \$2,160.00 in payment of the extension fee is transmitted herewith.
- [X] The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate of this transmittal letter is submitted herewith.

Respectfully submitted,



Thomas R. Berka, Ph.D. (Reg. No. 39,606)

Leon R. Yankwich (Reg. No. 30,237)

Attorneys for Applicants

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Facsimile: (617) 374-0055

**Certificate of Mailing**

The undersigned hereby certifies that this correspondence and any accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office Addressee" Service under 37 CFR § 1.10, postage prepaid, Express Mailing Label No. **EV509622451US** in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

October 7, 2005

date

  
Melanie A. McFadden